

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

KEVIN CLARKE, TREVOR
BOECKMANN, HARRY CRANE, CORWIN
SMIDT, PREDICT IT, INC., ARISTOTLE
INTERNATIONAL, INC., MICHAEL
BEELER, MARK BORGHI, RICHARD
HANANIA, JAMES MILLER, JOSIAH
NEELEY, GRANT SCHNEIDER, and WES
SHEPHERD,

Plaintiffs,

v.

COMMODITY FUTURES TRADING
COMMISSION,

Defendant.

Civil Docket No. 1:24-cv-00614-DAE

The Honorable David Alan Ezra

**PLAINTIFFS' NOTICE REGARDING DEFENDANT'S MOTION FOR JUDGMENT ON
THE PLEADINGS**

The Plaintiffs respectfully submit the following in response to the Court's August 13, 2024 Order requesting a notice and/or response (Dkt. 89).

On June 18, 2024, this Court entered an order requesting scheduling recommendations from the parties. Dkt. 81. On July 16, 2024, shortly before the scheduling recommendations were due, Defendant Commodity Futures Trading Commission ("CFTC") moved for judgment on the pleadings. Dkt. 82. Four business days later, the parties submitted joint scheduling recommendations. Dkt. 84. In the joint scheduling recommendations, the parties proposed alternative deadlines for Plaintiffs' response to the CFTC's motion, contingent on whether the Court grants Plaintiffs' request for additional time to explore a negotiated resolution to this case. *Id.* ¶ 3. When the CFTC sought to continue the hearing on the scheduling recommendations, it

agreed that any response to the motion for judgment on the pleadings would be due no earlier than 10 days after the scheduling hearing. The hearing is set for tomorrow morning. Dkt. 88.

Plaintiffs will oppose the CFTC's motion for judgment on the pleadings. As outlined in the parties' joint scheduling recommendations, Plaintiffs recommend that the deadline for their response to the motion be set at the end of the proposed settlement period, on October 1, 2024. Dkt. 84 ¶ 3. Plaintiffs will ask the Court to set that deadline tomorrow. Plaintiffs are prepared to file their opposition within the 10 days specified in Dkt. 89, or on any other date set pursuant to tomorrow's scheduling hearing.

Respectfully submitted,

/s/ Michael J. Edney

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and Wes Shepherd*

CERTIFICATE OF SERVICE

I hereby certify that on August 13, 2024, a copy of the foregoing was filed electronically and was served on counsel of record through the Court's electronic case filing/case management (ECF/CM) system.

/s/ Michael J. Edney
Michael J. Edney